

REMARKS

Claims 1 and 25 have been objected to for use of the wording "capable of." The language objected to has been removed and it is respectfully requested that the objection to those claims still pending be withdrawn.

Claim 7 has been rejected as providing an insufficient antecedent basis for the limitation "said group of transmitters." Applicants have revised claim 7 and withdrawal of the rejection under the second paragraph of 35 U.S.C. §112 is respectfully requested.

All of the claims have been rejected as obvious in view of certain prior art references. Specifically, independent claim 1 has been rejected as being obvious in view of the patent to Dykema, U.S. Patent No. 5,661,804, and the patent to Burgess, U.S. Patent No. 6,617,975. It is also asserted that the remaining claims are obvious based upon the aforementioned references plus a number of other references. A Supplemental Information Disclosure Statement is enclosed with references that may be considered to be material. The appropriate fee for submission of an Information Disclosure Statement after the issuance of a first Action, but prior to issuance of a Final Action is enclosed.

Prior to discussing the merits of the Action, the Applicants would like to comment on the teachings of the primary references -- Dykema and Burgess. It is respectfully submitted that Dykema, as best evidenced in Fig. 5, discloses a vehicle mounted transmitter device 43 which learns the characteristics of an activation signal B associated with a remote transmitter 65. After the device 43 learns the signal B, the characteristics of the remote transmitter are associated with one of the switches 44, 46 or 47 maintained by the device 43. Upon actuation of one of these switches, a transceiver circuit 55 of the device 43 transmits signal T. In essence, the transceiver circuit 55 contained in the vehicle mounted remote 43 replaces or replicates remote transmitter 65.

The device disclosed in Burgess operates in much the same manner as the vehicle mounted transmitter device set forth in Dykema. However, instead of communicating a signal externally from a vehicle, the disclosed device of Burgess communicates to a control and distribution circuit maintained within the vehicle. Specifically, as best seen in Fig. 2 of Burgess, a remote transmitter 108 sends a temporary or learning signal 132 to a "self-contained unit" (components 112, 122, 130, 114, 118, 116, 120 and 121) associated with the keypad 112 and, as such, the self-contained unit learns the transmission characteristics of the remote transmitter 108. Upon entry of a "key," which is in the form

of a sequence of keypad actuations, the self-contained unit transmits a signal 117 to actuate an appropriate device in the vehicle as controlled by the control and distribution circuit 110.

Both the Dykema and Burgess references teach use of an existing type of transmitter to replicate another type of remote transmitter. This is done by use of a learning signal identified as signal 132 in Burgess and signal B in Dykema.

Upon consideration of these cited references and the subject matter of the present application, the applicants respectfully request entry of an amendment to independent claim 1 to more clearly set forth the subject matter of the invention. Specifically, claim 1 now sets forth that the operator receives wireless operational signals to control the motorized barrier and that the device also receives wireless operational signals to control the electrical load. These operational signals are generated by the at least one transmitter upon a single button actuation and are receivable by the operator and the device. The claim also sets forth that the operational signals are receivable by the operator and the device for at least one of independent operation of each and collective operation of both the operator and the device.

Dykema and Burgess each teach that learn signals go from a first transmitter to a second transmitter for replication of the first transmitter. Accordingly, actuation of the second transmitter initiates generation of a command signal similar to what would have been generated by the first transmitter. In other words, only one device (104 in Burgess and 66 in Dykema) ever receives an operational signal. In distinct contrast, in the claimed invention, both the devices (the operator and the device which controls an electrical load) receive an operational signal -- not a learn signal -- and then perform a respective function. The claim is further distinguishable from the cited references in that a single button actuation can control the devices independently of each other or in that a single button actuation can control both devices. Therefore, since each and every element of the claimed invention is not set forth in the combination of references, or in any combination of references made of record, it is respectfully submitted that claim 1 is allowable and that all claims depending therefrom are likewise allowable.

It is also submitted that some of the dependent claims include structural features that are clearly not taught or suggested by any of the references made of record. Specifically, in regard to claims 2 and 7, it is respectfully submitted that Dykema only

teaches a single type of transmitter. Nowhere does Dykema teach or suggest use of a wall station, a keyless entry transmitter or remote transmitter wherein the group can perform the functions as set forth in the claims. Therefore, it is respectfully submitted that claims 2 and 7 are allowable on their own merit.

In regard to claim 4, it is respectfully submitted that Dykema makes no mention of a fixture controller that validates the signal. Such a security feature is not evident in the teachings of the references. Therefore, it is respectfully submitted that claim 4 is allowable on its own merit.

In regard to claim 9, it is respectfully submitted that there is no teaching, suggestion or motivation that the barrier command is separately receivable. Therefore, the claim is allowable since the reference to Suman (U.S. Patent No. 5,903,226) does not make up this deficiency inasmuch as it does not use a wireless operational signal to directly and separately control the fixture or operator. See column 4, lines 6-11 of the Suman reference. In distinct contrast to the presently claimed invention, Suman sends signals along AC power conductors 28 to directly control the load. Therefore, it is respectfully submitted that Suman teaches away from the other primary references and, as such, it is requested that the rejection of claim 9 be withdrawn.

In regard to claim 29, it is respectfully submitted that there is no teaching, suggestion or motivation in any of the cited references that the operator receives one signal from the transmitter at one frequency and then re-transmits at another frequency signal to a device. It is respectfully submitted that any suggestion or motivation to combine the references must come from the references themselves and not from the application as filed. Since there is no such teaching in the references as cited, it is respectfully submitted that dependent claims 29 and 30 are allowable on their own merit.

Dependent claims 21 and 46 have been amended for clarification purposes.

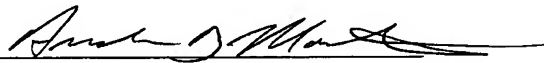
Upon consideration of the cited references and the subject matter of the present application, the Applicants respectfully request examination and allowance of new claims 50-53. New claim 50 sets forth a system for controlling a motorized barrier and a device comprising an operator which controls the motorized barrier and which receives and transmits wireless operational signals. The system further includes a device which controls an electrical load, the device also capable of receiving and transmitting wireless operational signals, and at least one transmitter generating wireless operational signals

receivable by either the operator or the device for actuation thereof, wherein either the operator or the device subsequently transmits another wireless operational signal to the other of the two devices. As noted above, it is submitted that there is no teaching, suggestion or motivation in any of the references made of record that either the operator or the transmitter receives a wireless signal for actuation thereof and then transmits another signal to the other device. Moreover, in regard to claim 51, it is submitted that none of there references cited teach or suggest that the transmitter generates signals in one frequency range, and wherein the receiving device transmits at another frequency range, different from the first frequency range, to the other device. Therefore, it is respectfully submitted that claim 50 is allowable, as are dependent claims 51-53 which further define the system set forth in claim 50.

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Should the Examiner deem a telephone call to be beneficial in resolving any remaining matters or to place the claims in better form for allowance, the same would be greatly appreciated.

Respectfully submitted,



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